

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Cohn

February 21, 2003

An act to amend Section 65402 of, and to add Section 66412.4 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as introduced, Cohn. Subdivision Map Act: exemptions.

Existing law makes the Subdivision Map Act inapplicable to specified land uses or interests in land, including, among other things, leases of agricultural land for agricultural purposes and requires that a local agency, as defined, may not acquire real property for specified purposes nor construct or authorize a public building or structure in any county or city that has adopted an applicable general plan until the location, purpose, and extent of the acquisition or disposition of real property, or the proposed public building or structure has been submitted to the local planning agency for review.

This bill would exempt a regional park and open space district from these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65402 of the Government Code is
2 amended to read:
3 65402. (a) (1) If a general plan or part thereof has been
4 adopted, no real property shall be acquired by dedication or

1 otherwise for street, square, park or other public purposes, and no
2 real property shall be disposed of, no street shall be vacated or
3 abandoned, and no public building or structure shall be
4 constructed or authorized, if the adopted general plan or part
5 thereof applies thereto, until the location, purpose and extent of
6 ~~such the~~ acquisition or disposition, ~~such the~~ street vacation or
7 abandonment, or ~~such the~~ public building or structure have been
8 submitted to and reported upon by the planning agency as to
9 conformity with ~~said the~~ adopted general plan or part thereof. ~~The~~

10 (2) ~~The~~ planning agency shall render its report as to conformity
11 with ~~said the~~ adopted general plan or part thereof within ~~forty (40)~~
12 40 days after the matter was submitted to it, or such longer period
13 of time as may be designated by the legislative body.

14 If

15 (b) If the legislative body so provides, by ordinance or
16 resolution, the provisions of this subdivision shall not apply ~~to: (1)~~
17 ~~the to any of the following:~~

18 (1) The disposition of the remainder of a larger parcel ~~which~~
19 that was acquired and used in part for street ~~purposes; (2)~~
20 ~~acquisitions; purposes.~~

21 (2) Acquisitions, dispositions, or abandonments for street
22 ~~widening; or (3) alignment widening.~~

23 (3) Alignment projects, provided ~~such that the~~ dispositions for
24 street purposes, acquisitions, dispositions, or abandonments for
25 street widening, or alignment projects are of a minor nature.

26 ~~(b)–~~

27 (c) (1) A county shall not acquire real property for any of the
28 purposes specified in ~~paragraph subdivision~~ (a) or (b), nor dispose
29 of any real property, nor construct or authorize a public building
30 or structure, in another county or within the corporate limits of a
31 city, if ~~such the~~ city or other county has adopted a general plan or
32 part thereof and ~~such the~~ general plan or part thereof is applicable
33 ~~thereto, and a thereto.~~

34 (2) A city shall not acquire real property for any of the purposes
35 specified in ~~paragraph subdivision~~ (a) or (b), nor dispose of any
36 real property, nor construct or authorize a public building or
37 structure, in another city or in unincorporated territory, if ~~such the~~
38 other city or the county in which ~~such the~~ unincorporated territory
39 is situated has adopted a general plan or part thereof and ~~such the~~
40 general plan or part thereof is applicable thereto, until the location,

1 purpose and extent of ~~such the~~ acquisition, disposition, or ~~such the~~
2 public building or structure have been submitted to and reported
3 upon by the planning agency having jurisdiction, as to conformity
4 with ~~said the~~ adopted general plan or part thereof. ~~Failure~~

5 (3) ~~Failure~~ of the planning agency to report within ~~forty (40)~~
6 40 days after the matter has been submitted to it shall be
7 conclusively deemed a finding that the proposed acquisition,
8 disposition, or public building or structure is in conformity with
9 ~~said the~~ adopted general plan or part thereof. ~~The~~

10 (4) The provisions of this ~~paragraph (b)~~ subdivision shall not
11 apply to acquisition or abandonment for street widening or
12 alignment projects of a minor nature if the legislative body having
13 the real property within its boundaries so provides by ordinance or
14 resolution.

15 ~~(e)~~

16 (d) (1) A local agency shall not acquire real property for any
17 of the purposes specified in ~~paragraph~~ subdivision (a) nor dispose
18 of any real property, nor construct or authorize a public building
19 or structure, in any county or city, if ~~such the~~ county or city has
20 adopted a general plan or part thereof and ~~such the~~ general plan or
21 part thereof is applicable thereto, until the location, purpose and
22 extent of ~~such the~~ acquisition, disposition, or ~~such the~~ public
23 building or structure have been submitted to and reported upon by
24 the planning agency having jurisdiction, as to conformity with ~~said~~
25 ~~the~~ adopted general plan or part thereof. ~~Failure~~

26 (2) ~~Failure~~ of the planning agency to report within ~~forty (40)~~
27 40 days after the matter has been submitted to it shall be
28 conclusively deemed a finding that the proposed acquisition,
29 disposition, or public building or structure is in conformity with
30 ~~said the~~ adopted general plan or part thereof. ~~If~~

31 (3) ~~If~~ the planning agency disapproves the location, purpose or
32 extent of ~~such the~~ acquisition, disposition, or the public building
33 or structure, the disapproval may be overruled by the local agency.

34 ~~Local~~

35 (e) (1) Local agency as used in this ~~paragraph (e)~~ subdivision
36 means an agency of the state for the local performance of
37 governmental or proprietary functions within limited boundaries.

38 (2) Local agency does not include the state, ~~or a county, or a~~
39 city, ~~or a regional park and open space district established~~

1 *pursuant to Article 3 (commencing with Section 5500) of Chapter*
2 *3 of Division 5 of the Public Resources Code.*

3 SEC. 2. Section 66412.4 is added to the Government Code, to
4 read:

5 66412.4. This division shall not apply to conveyances of land
6 or interests in land, to or from a regional park and open space
7 district established pursuant to Article 3 (commencing with
8 Section 5500) of Chapter 3 of Division 5 of the Public Resources
9 Code, when the conveyances are solely for the purpose of open
10 space preservation.

